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HYDERABAD, FRIDAY, MAY 24, 2019.

**NOTIFICATIONS RELATING TO THE ADMINISTRATION  
OF PANCHAYAT RAJ**

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**TELANGANA STATE ELECTION COMMISSION**

AMENDMENT OF MCOC.

**No. 2118/TSEC-L/2019.**— In exercise of the powers conferred under Articles 243K and 243ZA of the Constitution of India and all other powers hereunto enabling, the State Election Commission, hereby, makes the following amendments to the Model Code of Conduct for Local Body elections issued in the year 2018.

**AMENDMENT**

1. In the said Model Code of Conduct, after the paragraph VIII the following paragraph shall be added, namely:-

**IX. Model Code of Conduct in Elections to Indirectly Elected Offices of Mandal Praja Parishads, Zilla Praja Parishads and Urban Local Bodies**

Articles 243K and 243 ZA of the Constitution provide for setting up of State Election Commission (SEC) for conduct of free and fair elections to local bodies.

The Chapter I of part V of the Telangana Panchayat Raj Act, 2018, the Chapter II of Part II of Telangana Municipalities Act, 1965 and Chapter II of GHMC Act, 1955 make detailed provisions for ensuring free and fair elections to the local bodies. Chapter II of Part V of TPR Act, 2018 enumerates various electoral offences. Similar provisions are also made in Chapter III of part VI of Municipalities Act and in Chapters II & XVII of GHMC Act. The Indian Penal Code also provides for strong protections against electoral offences through Sections 171A, 171B & 171C.

Considering the letter and spirit of the Constitutional and statutory provisions and also considering the ground realities, the State Election Commission has notified the Model Code of Conduct with the object of providing level playing field to all the candidates and political parties. However, the provisions of this MCOC address mostly the concerns associated with the direct elections and it does not afford similar protection against the malpractices encountered during the indirect elections.

During the past indirect elections, it was often noticed that various political parties and other influential candidates organise "camps" by confining the elected representatives for extended periods of time ostensibly to protect them from being won over by the opponents. Camps typically involve housing in secret or unknown locations usually in luxurious settings. Organisation of such camps involve incurring of considerable expenditure and also employment of extra ordinary influence. Thus the indirect elections tend to afford undue opportunities to be monopolised by the rich and influential parties and persons. Party in power tends to enjoy additional advantage because of its overt and covert influence over the Government machinery for doling out explicit and implicit favours/ disfavours through various departments and agencies.

Employment of all such illegal measures tend to distort healthy democratic functioning besides breaching the trust reposed by the voters in their representatives. It is not rare to see instances where newly elected representatives yield to such measures by voting against the whips issued by their respective parties, thereby foregoing their hard earned membership in the First meeting itself necessitating conduct of casual elections at great cost to the public exchequer.

Hence, with a view to rein in the illegal practices of bribing, exertion of undue influence etc., on the elected representatives, it is proposed to add a special section in the MCOC with the following specific measures.

1. The MCOC for indirect elections shall commence from the date of declaration of result of directly elected posts (Ordinary Elections) and shall extend till the completion of indirect election of the concerned local bodies.

2. Bribery as defined in TPR Act and Indian Penal Code is not to be resorted by any of the political parties, the elected members seeking offices such as President, Vice-President, MPPs, Chairperson, Vice-Chairperson, ZPPs, Chairperson/Vice-Chairperson, Municipalities, Mayor/Dy. Mayor of Municipal Corporations either directly or indirectly.

3. Ban on exertion of undue influence on the elected representatives for voting against the whips issued by their respective political parties during the indirect elections. Neither the political parties, nor any of their candidates involved in the indirect elections shall exert or attempt to exert any undue influence against any of the electors while exercising their electoral rights.

4. No political party nor any of the contesting candidates shall offer any post to the electors as an incentive for defying their party whip while exercising their voting rights.

5. The party in power or any of the functionaries of Government should not misuse or attempt to misuse their power covertly or overtly for extending incentives or disincentives while granting certificates, licences, work contracts or in disposal of pending cases, payment of pending bills, revision of contracts etc. Similarly the investigating agencies shall not resort to any partiality in registration of offences or framing charge sheets, enforcement of arrests, NBWs etc.

6. No political party or any candidate shall organise any camps with elected representatives either directly or indirectly.

7. There shall not be any canvassing, campaigning activity pertaining to the indirect elections to local bodies from 48 hours prior to the hour fixed for the conduct of such indirect elections to MPPs, ZPPs, Municipalities or Municipal Corporations. Such ban on canvassing, campaigning etc shall continue till the completion of the indirect elections to the concerned bodies.

Any violation of the above provisions of the MCOC shall invite suitable prosecution or / and action under relevant provisions of the Acts/rules concerned. Sections 234 of TPR Act or Section 343-T of Municipalities Act or Section 612 of GHMC Act shall be invoked in appropriate cases.

2. In the said Model Code of Conduct, the paragraph IX with heading "Prosecution" shall become paragraph "X".

**( BY ORDER AND IN THE NAME OF THE STATE ELECTION COMMISSIONER)**

Hyderabad,  
24-05-2019

**M. ASHOK KUMAR,**  
*Secretary.*

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